

REMARKS

The claim of the present application have been subjected to a Unity of Invention Requirement as follows:

Group I - claims 1-25 directed to a method of producing a polymer in a continuously operated gas phase reactor; and

Group II - claims 26-28 directed to an apparatus for discharging polymer from a continuously operated gas phase reactor.

Election

In response to the above-noted Unity of Invention Requirement, applicants hereby elect the claims of Group I, i.e. claims 1-25, with traverse. In this regard, it is noted that there appears to be a couple of typographical errors on page 2 of the Unity of Invention Requirement/Office Action. First, it is noted that claims 1-28 are pending (not claims 1-25). Secondly, it is noted that the claims of Group II appear to be claims 26-28, not claims "8-19". It is additionally noted that the present application was filed in the USPTO in 2001, long before the present claim amendment rules applied.

Traversal of Unity of Invention Requirement

The Unity of Invention Requirement is respectfully traversed. It is submitted that non-elected claims 26-28 are directed to an apparatus specifically designed to carry out at least one of the steps recited in the elected method claims 1-25. Therefore, consistent with Example 2 in the Administrative Instructions under the PCT, Annex B, Part 2 (page AI-61 of MPEP, Rev. 2, May 2004), unity exists between the claims of elected Group I and non-elected Group II. A copy of the relevant portion of Annex B is enclosed. Consequently, it is requested that the Unity of Invention Requirement be withdrawn.

Conclusion

If any questions arise regarding the above matters, please contact Applicant's representative, Andrew D. Meikle (Reg. No. 32,868), in the Washington Metropolitan Area at the phone number listed below.

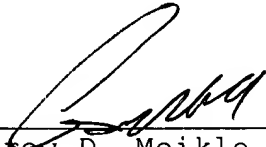
If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees

Appl. No. 09/831,600

required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17;
particularly, extension of time fees.

Respectfully submitted,

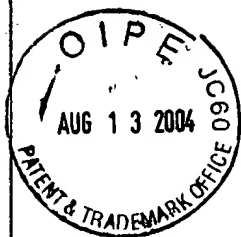
BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 
Andrew D. Meikle, #32,868

ADM:gmh
0365-0501P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Enclosure: Administrative Instructions under the PCT, Annex B,
Part 2 (page AI-61 of MPEP, Rev. 2, May 2004),



**[ANNEX B, CONTINUED]
PART 2**

EXAMPLES CONCERNING UNITY OF INVENTION

The application of the principles of unity of invention is illustrated by the following examples for guidance in particular cases.

I. CLAIMS IN DIFFERENT CATEGORIES

Example 1

Claim 1: A method of manufacturing chemical substance X.

Claim 2: Substance X.

Claim 3: The use of substance X as an insecticide.

Unity exists between claims 1, 2 and 3. The special technical feature common to all the claims is substance X.

Example 2

Claim 1: A process of manufacture comprising steps A and B.

Claim 2: Apparatus specifically designed for carrying out step A.

Claim 3: Apparatus specifically designed for carrying out step B.

Unity exists between claims 1 and 2 or between claims 1 and 3. There is no unity between claims 2 and 3 since there exists no common special technical feature between the two claims.

Example 3

Claim 1: A process for painting an article in which the paint contains a new rust inhibiting substance X including the steps of atomizing the paint using compressed air, electrostatically charging the atomized paint using a novel electrode arrangement A and directing the paint to the article.

Claim 2: A paint containing substance X.

Claim 3: An apparatus including electrode arrangement A.

Unity exists between claims 1 and 2 where the common special technical feature is the paint containing substance X or between claims 1 and 3 where the common special technical feature is the electrode arrangement A.

However, unity is lacking between claims 2 and 3 since there exists no common special technical feature between them.

Example 4

Claim 1: Use of a family of compounds X as insecticides.

Claim 2: Compound X₁ belonging to family X.

Provided X₁ has the insecticidal activity and the special technical feature in claim 1 is the insecticidal use, unity is present.